United Nations A/HRC/25/NGO/147

General Assembly

Distr.: General
5 March 2014

English only

Human Rights Council
Twenty-fifth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the International Federation of University Women, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11772
1411772

Please recycle

International Federation of University Woman (IFUW) calls for Human Rights Education to Prevent Human Trafficking and Forced Marriages

Human rights, more specifically girls' and women's rights, are violated daily. Human trafficking or trafficking in persons is the trade of human beings for the purpose of exploitation, such as forced labour, sexual exploitation or slavery. It occurs world-wide. Inequality, poverty, and discrimination create environments in which vulnerable groups are at increased risk of trafficking. Poor girls and young women are at particular risk of falling victim to traffickers.

The Convention on the Rights of the Child, states that a person is a child until 18 years of age. Child marriage is the marriage of a person under the age of 18. A forced marriage occurs when one or both people do not freely consent to the marriage and pressure or abuse is used. When young people are not in a position of power it is difficult for them to refuse to marry an individual of their parents' choice and who is not the partner of their choice. This serious human rights violation particularly affects girls and their ability to live free from all forms of violence. According to figures recently released by United Nations Family Planning Association (UNFPA), 142 million girls will become child brides between 2011 and 2020.

A young woman with the immature body of a child should not be forced to undergo sexual relations without her consent, to become pregnant and to bear children. Child marriage is a risky undertaking for a girl and families may be unaware of the full extent of damage that child marriage causes to girls' health, mental wellbeing and future prospects. It adversely affects a girl's human right to education and to the highest attainable standard of health, including sexual and reproductive health.

Human trafficking or "modern-day slavery" occurs when individuals, most often women and girls, are coerced or tricked into sexual slavery, prostitution, commercial sexual exploitation such as pornography or exploitative jobs for low or no pay. They may be detained, isolated and threatened. Impoverished parents may sell children to traffickers in order to pay off debts or gain income, or because they think that they are selling their children into a better life with prospects of training and income. Globalisation and the rise of internet technology have facilitated sex trafficking. Traffickers use explicit sites including social networking and underground sites to market, recruit, sell, and exploit women and girls. Social norms marginalise the value and status of women and girls in society, making it easier for them to become victims of trafficking. The persistence of the global recession has led to increased numbers of people being duped into sex and labour trafficking.

Torture by private individuals, families, groups, or like - minded others (non-state actors) is an emerging gender-based human rights violation. Non–state actors is the official terminology used by the United Nations to refer to private individuals, in this case exploiters, paedophilic rings, groups, gangs, or like-minded intergenerational family systems, guardians, or spouses who do not represent the State when they inflict their acts of torture. Globally, women and girls are the predominant victims of gender-based discrimination and violence in the 'so-called' private or domestic sphere, including forms of torture inflicted by non-state or private actors. To prevent and protect the human right of women and girls not to be subjected to acts that constitute torture perpetrated by private non-state actors, such a crime needs to be explicitly criminalised.

What is at Stake?

One in every three women globally has been beaten, coerced into sex, or otherwise abused in her lifetime.

"Education is the foundation and catalyst for changing the state of human rights in the world," said International Federation of University Women[1] (IFUW) President Catherine Bell. "Access to human rights education and access to education are indivisible and should be promoted throughout society."

Trafficking of women and girls and child early and forced marriage are impediments to the achievement of advances in economic, legal, health and social status of women and girls and to the sustainable development of the community as a whole.

They indicate deep rooted discrimination against women and girls, violate their rights and prevent the girl child's full enjoyment of her rights. Traditional and cultural practices that place women in subordinate roles to men must be addressed.

It is time for Governments and society as a whole to invest in measures that provide full access to education, health care and empowerment for women and girls through their meaningful participation in decisions that affect them if we are to break the cycle of gender inequality, discrimination, violence and poverty and work towards sustainable development and economic growth.

Poverty, child marriage and human trafficking are closely connected. While marriage for a girl is seen as a way to ensure a daughter's future, it often compromises her health, closes her mind and keeps her ignorant, isolated, impoverished and dependent.

IFUW's Position

The organisation calls for Governments to end human trafficking and child marriage through meeting their UN Commitments and Agreements and through the implementation of existing national and international laws related to these.[2]

The organisation promotes education, including education for human rights, to ensure that conflicts and instability no longer halt or reverse progress wherever they occur. Child marriage, torture by non-state actors and organised crime, including trafficking in people and drugs, all violate human rights and undermine development.

Through education, families and communities learn about the benefits of educating their girls. Secondary, tertiary and continuing education are a girl's greatest protection from early marriage and trafficking and the poverty, dependence, violence and abuse that they induce.

Recommendations

The International Federation of University Women calls upon the 25th Session of the Human Rights Council (HRC) to:

- Embed Women's Rights, Empowerment, Equality in the Post-2015 Development Agenda;
- Promote equal education opportunities for girls including disaggregated data on access to education for girls;

[1] The International Federation of University Women (IFUW) is based in Geneva, Switzerland, and has an international membership. Founded in 1919, IFUW is the leading girls' and women's global organization run by and for women, advocating for women's rights, equality and empowerment through access to quality education and training up to the highest levels. IFUW has special consultative status with ECOSOC.

[2] "Marriage shall be entered into only with the free and full consent of the intending spouses" (Universal Declaration of Human Rights, 1948)

"The betrothal and the marriage of a child shall have no legal effect" (CEDAW Article 16.2)

- Ensure that all girls, including the indigenous, disabled, displaced, those living in conflict areas and the poor, receive the maximum amount of quality schooling possible, ideally completing secondary, tertiary and continuing education;

- Encourage citizens to hold their governments to the enforcement of treaties they signed such as The Convention of the Rights of the Child, The Beijing Platform for Action and the Convention to Eliminate All Forms of Discrimination against Women;
- Urge governments to introduce legislation that specifically aims at criminalising human trafficking and to develop systems of world-wide co-operation between law enforcement agencies and non-government organisations (NGOs);
- Urge governments to work to eradicate poverty, which is an indispensable requirement for sustainable development, and which will help protect women and girls from child marriage and sexual exploitation;
- Ensure that comprehensive and cultural contextual awareness raising is conducted involving all sectors of society including the media, parents, caregivers, religious leaders and community elders and those with specific responsibilities towards children on the harmful aspects of child and forced marriage and trafficking;
- Enact and strictly enforce laws to ensure that marriage is entered into only with the free and full consent of the spouses and to raise the minimum legal age of consent and raise the minimum age for marriage where necessary.

IFUW urges every state to:

- Institute and enforce a minimum marriage age of 18 years for girls and boys
- Enforce existing international and national laws on child and forced marriage and promote measures to protect women harmed by polygamy and dowry-related violence
- Ensure that registration of application for marriages is strictly enforced so that authorities can intervene to prevent the child bride practice
- Provide support and assistance for victims of child and forced marriages and exploitation to obtain medical, psychological, and other assistance
- Collect sex-disaggregated data on marital status and age
- Introduce legal measures to prohibit underage and forced marriages
- Create financial incentives for families to keep their daughters in school
- Create and enforce laws on the right of inheritance for girls
- Include sexual, maternal and reproductive health in its national school curriculum
- Ensure that every child is registered at birth
- Develop a national plan of action to educate its population about the evils of child marriage and sexual exploitation together with other national organisations, including the use of all media

United Nations A/HRC/25/NGO/148

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4 March 2014

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[18 February 2014]

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GE.14-11727
1411727

Please recycle

Situation in Libya

Almost three years after the revolution of 2011 that led to the overthrow of Dictator Muhammad Al-Gaddafi, the situation in Libya remains tense. The interim government has not been able to work out a legal constitution; moreover, the human rights situation remains difficult. The government of Libya is weak and fails to impose measures to improve the security situation. Recently, there has been an increased level of violence throughout the country. Furthermore, almost daily reports of kidnappings and murders give reason for deep concerns about the stability in Libya. Besides the ongoing violence, there are countless reports on detainees who are held in government or militia-controlled prisons. These people have no chance of a fair trial as they do not have access to legal representation. Additionally, they are exposed to torture and mistreatment. This impunity weakens the already blemished reputation of the General National Congress, the country's interim government. The government has not shown itself to be able to peacefully settle the disputes and improve the judicial system, but has also failed to disarm the militia and incorporate them into the government forces. Hundreds of different militia groups fight to impose their own agendas, mostly with armed forces. The government has not been able to intervene or end this situation. Even worse, most of the militias are still getting their allowances from government funds. At the end of 2013, the Prime Minister of Libya, Ali Zeidan, made an announcement that the payment for militias would end by 31st December 2013. So far, there are no reliable statements that confirm the notice.

Besides the legal problems and the security issues, there is also the difficult situation of the internally displaced persons and migrants. During the 2011 uprising, migrants and non-Arabic Libyans were accused of collaborating with the Gaddafi troops, which put them in a difficult situation in post-2011 Libya. The case of the people of Tawergha is the most difficult one.

The people of Tawergha are accused of having joined forces with Gaddafi-troops against the city of Misratah. Furthermore they are blamed of having committed severe war crimes such as torture, murder and rapes. The inhabitants of Tawergha currently live in IDP camps around the country since the militia of Misratah banished them from their hometown. So far, the government of Libya has not been able to secure a return. No actions were undertaken to improve the unsolved situation of the Tawergha people. Relations between Tawergha and Misratah are still extremely tense. Besides the above-mentioned accusations, the conflict also has undertones of racism. Even before the revolution, the Tawerghans were labelled as "slaves" and "dogs" by many people from Misratah. There were reports of numerous attacks on the Tawergha people inside the IDP camps by the militia of Misratah. Besides the constant fear, the people of Tawergha also struggle with bad living conditions inside the camps and the unknown status of their missing relatives. Many Tawerghans are still detained in prisons controlled by Misratah militia. They are not able to obtain any legal representation or help. Most of them have not been charged yet and they do not know the reason why they are still imprisoned.

A return back to the city of Tawergha depends on the goodwill of the people of Misratah, who so far have shown no willingness to discuss the return of their neighbours and a peaceful reconciliation. They evade the responsibility and declared that the government has to come up with a long-term solution. The government likewise rejects that responsibility, which leaves the Tawergha in a hopeless situation.

The Tawergha as well as the Toubou and other ethnic minorities of Libya have long suffered from state-sponsored racism. The current government has not shown the ability or willingness to be more inclusive towards ethnic minorities. A peaceful return of the people of Tawergha could send a positive signal to the rest of the population and hence serve as an example of reconciliation and forgiveness to Libya as a whole.

In the south of the country tensions between African and Arab groups are mounting. Ethnic clashes have caused the death of a lot of people. The government has little to no power in the south, which is now predominantly controlled by Toubou tribes. In January 2014, the General National Congress declared a State of Emergency and sent military to stabilize the region. Although it seems to be relatively calm at the moment, the conflict has not been resolved yet and could burst into further violent clashes at any time. Libya's neighbouring country Niger fears that Islamic fighters are setting up bases in the south of Libya, which could not only increase the destabilization in Libya, but could also affect

the security situation in the neighbouring countries. Niger as well as France have called for an international intervention in that region to stabilize Libya and the borders. Smugglers generously profit from the complex situation and nearly unsecured borders and are therefore able to expand the weapons, drugs and goods trade, as well as human trafficking.

One of the possible reasons for the outbreak of the clashes can be found in the government's attempts to exclude the Libyan minorities from the constitution-drafting process. The Amazigh, Tuareg and Toubou minorities are only granted 6 out of 60 seats. A fair participation of all minority groups is not given under these circumstances.

Society for Threatened Peoples urges the Human Rights Council to ask the Government of Libya to:

- Secure a safe return of the Tawergha people and encourage the Misratah and the Tawergha people to peacefully reconcile, which could serve as an example for the rest of Libya

- Disarm the militia groups as impunity hinders the reconstruction and development of the new Libya

- Strengthen the rights of the ethnic minority groups, especially anchoring them in the new constitution and in political institutions

- Work for peaceful negotiations between all ethnic minorities

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GE.14-11729
1411729

Please recycle

Situation of African Migrants in Israel

Society for Threatened Peoples is concerned about the situation of African asylum seekers in Israel. Labelled as infiltrators, they are subject to detention and ill-treatment. The majority of them are Eritrean and Sudanese nationals who qualify as refugees under international law. The Israeli government does not provide them with basic rights or social benefits for their refugee status remains unsettled. Asylum claims are not processed at all and if so, they are most likely to be rejected. These practices deprive the refugees of their right to claim asylum under the 1951 Refugee Convention and therefore, constitute a violation of international law.

Over the past years, the government state of Israel has constantly threatened them with prolonged and even indefinite detention without clarifying whether a person is eligible for asylum or not. According to PHR-Israel, up to now Israel has not granted refugee status to any Eritrean or Sudanese, opposing the recognition rate in Europe and the USA with 4 out of 5. Eritrea is a military dictatorship and its government routinely commits human rights abuses on a massive scale. Eritrea's indefinite military service is the main reason for the mass exodus of Eritreans. According to the UNHCR, the severe and disproportionate punishment for desertion or evasion of the military service in Eritrea constitutes persecution. Under Sudanese law it is forbidden to visit Israel, returnees await up to ten years of prison and mistreatment while imprisoned.

In mid 2012, Israel completed a fence along the Egypt-Israeli border for the purpose of keeping out militants and illegal African migrants. This has led to a dramatic decrease in the number of asylum seekers entering Israel since then. To cope with more than 55,000 African asylum seekers in place, the government adopted a policy which has raised increased criticism among the states of the European Union and the US.

In January 2012, Israel amended its Anti-Infiltration Law according to which all persons irregularly entering are defined as infiltrators who can be detained up to three years without trial and clarification whether they are allowed to claim asylum. All persons who have entered Israel since July 2012 have been detained under this law. In total, over 1,750 have been jailed in the Saharonim and Ketziot prisons.

The Israeli High Court of Justice overturned the amendment to the Anti-Infiltration Law on 16 September 2013, stating that the prolonged imprisonment of asylum seekers was unconstitutional. It ruled that the government had to examine each detainee's case individually and release them within 90 days. Notwithstanding, about 1,200 of them were not released. Instead, the Knesset passed a new amendment to the Law on 10 December 2013. It stipulates the detention without trial for a maximum period of one year. Subsequently, it provides an indefinite detention of all asylum seekers in Holot.

Holot is designated as an 'open camp' because the detainees can, in theory, leave the facility. The camp is located in the Negev desert next to the Egyptian border and contains space for 3,300 people. Its designation as an open facility does not reflect the reality in Holot. Holot is operated by the Prison Service. The asylum seekers are not allowed to work and have to check in with the facility authorities three times a day, in the morning, at noon and at night. After 10pm, the gates are closed and it is forbidden to leave the premises. A violation of these conditions results in prison detention. Only for humanitarian reasons a detainee can apply for a 24-hour-leave. The situation set out makes it impossible to leave the remote area, e.g. for a visit to Tel Aviv or elsewhere. In effect, the detainees are stuck in the middle of the desert.

According to Physicians for Human Rights-Israel, the Holot detention facility is "worse than Saharonim". A delegation of PHR visited the facility on 10 January 2014, to evaluate the conditions, the access to health services and the medical condition of the detainees and gave a devastating verdict. The isolation and the absolute lack of perspectives reportedly cause psychological distress. The lack of opportunities for studying, employment and leisure activities cause severe boredom and contribute to increasing despair. The situation of the Sinai torture camp survivors is particularly bad as they are in urgent need of mental rehabilitation. Only a single general doctor visits the facility, not being able to examine all patients and treat them adequately. Moreover, the detainees complain about a lack of food and that they are told to buy additional food out of their own pocket, not being able to do so due to high prices. Finally, it is not permitted

to take purchased food or food received as donation into the camp. Furthermore, the rooms are overcrowded and there are not enough blankets for the cold nights. Many asylum seekers also lack clothes warm enough for the season.

In January this year, asylum seekers started unprecedented protests against the new law. In a 2-day protest march from Holot to Jerusalem and several hunger strikes in Saharonim, they called for the release of all detainees and to process the asylum requests of all Eritrean and Sudanese. About 200 protesters were arrested and about 100 were brought to Saharonim as a punitive measure. The Prime Minister, Benjamin Netanyahu, stated that the protests would not help, the government's line of action would not change as it would continue to fight illegal migration by all means. Precisely, the new law intends the social marginalization of the asylum seekers with the aim to darken any perspective for a future in Israel, thus pressuring them to leave voluntarily. The indefinite detention as a threat and only alternative to 'voluntary' repatriation constitutes a clear violation of the prohibition on refoulement under the 1951 Refugee Convention.

The Eritrean and Sudanese nationals who entered Israel before the 2012 law came into force were not detained. Under a so-called group protection they were granted protection from deportation but not given the opportunity to claim for asylum. This puts them in a difficult situation. The state does not provide adequate support. Without access to medical care and with no permit to work they have to keep up themselves with illegal jobs which makes them prone to exploitation. Under these circumstances it is hard for them to make a living. In December 2013 mass arrests took place. Many asylum seekers were sent to prison for not carrying a valid residence permit, whereas others were ordered to attend Holot within 30 days. Previously a renewal of their temporary residence permit was aggravated or even denied for reasons unknown. The office hours for renewal have been cut down to three times a week for only two and a half hours, frequently causing long lines. As a renewal is required monthly, not everybody gets the possibility to do so.

All in all, the situation of the asylum seekers is horrific. Pursuant to Human Rights Watch Israel, Israel has failed to register any asylum claims of Eritreans and Sudanese for years and thereby failed to grant them the right to seek asylum, which they are entitled to under international law. Only February 2013 it started to register at least some claims. The indefinite detention pressures detainees to sign repatriation forms, although they face the serious risk of harm and persecution in their home countries. The Israeli government has to take into account the reasons why the asylum seekers have fled their countries and give reasonable consideration to every single asylum request on the basis of the values of existing human rights conventions.

The Society for Threatened Peoples therefore calls on the UN Human Rights Council to urge Israel to:

- Comply with their obligations under international law towards the human rights of migrants, the institution of asylum and the principles of refugee protection.

- Instantly end all threats with indefinite detention to pressure the asylum seekers to 'voluntary' repatriation. Stop all deportations to Eritrea and Sudan immediately, on the basis of the justified fear of severe punishment of returnees.

- Allow all of them to claim asylum and process their requests. Release them while their laims are being examined. All asylum seekers should be given a fair hearing.

- Allow the UNHCR to see all detained Eritreans and Sudanese to identify refugees among them.

- Build a fair, accessible and effective asylum system in line with the 1951 Refugee Convention.

- Stop arresting migrants and release all those being held under the new Israeli law. Detention without justification must not be a method of deterring immigration.

- Integrate asylum seekers in different local authorities throughout the country instead of marginalizing them. Develop perspectives and set up infrastructure to integrate them into social life.